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PART IV

Section—1-B.

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE

NOTIFICATION

No. L. D. 584—Legis. 2-50-16, dated Bangalore, 27th May 1950.

Ordered that the accompanying Displaced Persons (Claims) Act, 1950 (XLIV of 1950) published in the *Gazette of India*, dated the 20th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of

His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

(Received assent on 18th May 1950)

THE DISPLACED PERSONS (CLAIMS) ACT, 1950. [XLIV OF 1950.]

AN

ACT

to provide for the registration and verification of claims of displaced persons in respect of immovable property in Pakistan.

BE it enacted by Parliament as follows :—

1. *Short title, extent and duration.*—(*1*) This Act may be called the Displaced Persons (Claims) Act, 1950.

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(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall remain in force for a period of two years only.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "claim" means the assertion of a right to the ownership of, or to any interest in,—

(i) any immovable property in West Pakistan which is situate within an urban area, or

(ii) such class of property in any part of West Pakistan other than in any urban area as may be notified by the Central Government in this behalf in the Official Gazette;

(b) "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has, after the 1st day of March 1947 left, or been displaced from, his place of residence in such area and who has been subsequently residing in India and includes any person who is resident in any place in India and who for that reason is unable or has been made unable to manage, supervise or control any immovable property belonging to him in Pakistan;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "urban area" means any area within the limits of a corporation, a municipality, a municipal committee, a notified area committee, a town area, a small town committee or a cantonment, as those limits existed on the 15th day of August, 1947;

(e) "West Pakistan" means the territories of Pakistan excluding the Province of East Bengal.

3. *Appointment of Registering Officers, etc.*—(1) The Central Government may, by notification in the Official Gazette, appoint as many Registering Officers as may be necessary for the purpose of registering claims and every Registering Officer shall exercise his functions in such area or areas as may be specified in the notification.

(2) A Registering Officer may, for the purpose of discharging his functions under this Act, appoint as many assistant registering officers as he may consider necessary and an assistant registering officer shall, subject to the general superintendence and control of the Registering Officer, have all the powers of a Registering Officer under this Act.

4. *Power to appoint the Chief Claims Commissioner, etc.*—(1) The Central Government may, by notification in the Official Gazette, appoint a Chief Claims Commissioner, a Joint or Deputy Chief Claims Commissioner, and as many Claims Commissioners and Claims Officers as may be necessary for the purpose of discharging the duties imposed on them by or under this Act, and may, by general or special order, provide for the distribution or allocation of work to be performed by them under this Act.

(2) Subject to the provisions of this Act, the Joint or Deputy Chief Claims Commissioner, all Claims Commissioners and Claims Officers, shall discharge the duties imposed on them by or under this Act under the general superintendence and control of the Chief Claims Commissioner.

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5. *Registration of claims.*—(*1*) A displaced person may, within such time, in such form and on payment of such fee as may be prescribed, submit his claim to a Registering Officer in the prescribed manner for the registration of such claim.

(*2*) On receipt of a claim under sub-section (*1*), the Registering Officer shall register the claim in the prescribed manner and forward the relevant papers to the Central Government or to an officer designated by the Central Government for this purpose.

6. *Jurisdiction of Claims Officers.*—(*1*) A Claims Officer shall have jurisdiction to decide such cases or such classes of cases as may, by general or special order, be transferred to him by the Central Government or by an officer empowered in this behalf by the Central Government.

(*2*) A Claims Officer shall hold a summary inquiry into the cases transferred to him and, after taking such evidence and examining such documents, as may be necessary, pass such orders as he thinks fit in relation to the verification of the claim and the valuation of such claim.

(*3*) The decision of the Claims Officer shall be final:

Provided that the Chief Claims Commissioner may call for the record of any case which has been decided by the Claims Officer and may make such order in the case as he thinks fit and no order varying the decision of the Claims Officer shall be made without giving the person concerned an opportunity of being heard.

7. *Powers of Claims Officers.*—(*1*) The Chief Claims Commissioner, the Joint or Deputy Chief Claims Commissioner, or a Claims Commissioner or Claims Officer shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) requisitioning any public record from any court or office;

(*d*) issuing commissions for the examination of witnesses;

(*e*) appointing guardians or next friends of any person who is a minor or of unsound mind;

(*f*) any other matter which may be prescribed.

(*2*) A Claims Officer may, if he so thinks fit, and shall, if so required by the Chief Claims Commissioner, appoint one or more persons as assessors to advise him in any proceeding before him.

(*3*) The Chief Claims Commissioner, the Joint or Deputy Chief Claims Commissioner, a Claims Commissioner and a Claims Officer shall be deemed to be a civil court for the purpose of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898), and any proceeding before any such Officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860).

8. *Power to transfer cases.*—The Central Government or the Chief Claims Commissioner may, by order in writing, at any stage transfer any case pending before a Claims Officer to another Claims Officer and the Claims Officer, to

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whom the case is so transferred, may, subject to any special direction in the order of transfer, proceed from the stage at which it was so transferred.

9. *Certain officers to be public servants.*—The Chief Claims Commissioner, the Joint or Deputy Chief Claims Commissioner and all Claims Commissioners, Claims Officers, Registering Officers and assistant registering officers appointed under this Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

10. *Bar of jurisdiction of civil courts.*—No civil court shall have jurisdiction in respect of any matter which the Chief Claims Commissioner or the Claims Officer is empowered by or under this Act, to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

11. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Central Government or any person appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

12. *Penalty.*—Any person who—

(*a*) submits, in respect of his claim under this Act, any information which he knows or has reason to believe to be false or which he does not believe to be true, or

(*b*) submits his claim to more than one Registering Officer,

shall be punishable with imprisonment which may extend to three years, or with fine, or with both.

13. *Penalty for abetment.*—Any person who abets any of the offences punishable under this Act shall be punishable with the punishment provided for the offence.

14. *Cognizance of offences by courts.*—No court shall take cognizance of any offence punishable under this Act save upon complaint in writing made by an officer authorised by the Central Government by general or special order in this behalf.

15. *Delegation of powers.*—(*1*) The Central Government may, by general or special order, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by the Chief Claims Commissioner.

(*2*) Subject to the provisions of this Act and the rules made thereunder, the Chief Claims Commissioner may delegate all or any of his powers under this Act to the Joint or Deputy Chief Claims Commissioner or any Claims Commissioner as may be specified by the Chief Claims Commissioner.

16. *Power to make rules.*—(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the form and manner in which claims may be submitted by displaced persons to Registering Officers;

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(*b*) levy of fee, subject to such exceptions, if any, in respect of any claim which may be submitted under section 5;

(*c*) the manner in which claims may be registered;

(*d*) the manner in which any inquiry may be held by Claims Officers, Claims Commissioners, the Joint or Deputy Chief Claims Commissioner or the Chief Claims Commissioner; the procedure to be followed by Claims Officers, Claims Commissioners, the Joint or Deputy Chief Claims Commissioner or the Chief Claims Commissioner;

(*e*) the powers vested in a civil court which may be exercised by a Claims Officer, Claims Commissioner, the Joint or Deputy Chief Claims Commissioner or the Chief Claims Commissioner while holding any inquiry under this Act;

(*f*) any other matter which has to be, or may be, prescribed under this Act.

17. *Repeal of Ordinance V of 1950.*—(*1*) The Displaced Persons (Claims) Ordinance, 1950 (V of 1950) is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

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at the Government Press, Bangalore.

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ERRATUM.

No. 936 dated Bangalore, the 28—29th June 1950.

ACTS OF PARLIAMENT.

THE REPRESENTATION OF THE PEOPLE ACT, 1950

(ACT. No. XLIII OF 1950).

At page 2 of Part IV—Section 1-B of the *Mysore Gazette*, Extraordinary dated 24th May 1950, for the word "clauses" occurring in the heading "Arrangement of clauses" and for the word "clause" occurring immediately below the heading "Preliminary", read "Sections" and "Section," respectively.

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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at the Government Press, Bangalore.